

IN THE HIGH COURT OF DELHI

Bail Application No.2041/2007

Dr.Sunil Kumar & Ors. Petitioner
! through: Mr.A.K.Panda, Senior Advocate with
Mr.K.P.S.Dalal, Mrs.S.S.Dalal and
Mr.Anil Karanwal, Advocates

VERSUS

\$ State (Govt. of NCT Delhi) Respondent
^ through : Mr.Pankaj Kumar, Advocate.
Mr.Jaideep Malik, Advocate for State.

Bail Application No.2096/2007

R.K.Kureel & Ors. Petitioner
! through: Mr.A.K.Panda, Senior Advocate with
Mr.K.P.S.Dalal, Mrs.S.S.Dalal and
Mr.Anil Karanwal, Advocates

VERSUS

\$ State (Govt. of NCT Delhi) Respondent
^ through : Mr.Pankaj Kumar, Advocate.
Mr.Ranjit Kapoor, Advocate for State.

Bail Application No.2097/2007

Rajesh Arya Petitioner
! through: Mr.A.K.Panda, Senior Advocate with
Mr.K.P.S.Dalal, Mrs.S.S.Dalal and
Mr.Anil Karanwal, Advocates

VERSUS

\$ State (Govt. of NCT Delhi) Respondent
^ through : Mr.Pankaj Kumar, Advocate.
Mr.Jaideep malik, Advocate for State.

% DATE OF DECISION: 27.09.2007

CORAM:

* **Hon'ble Mr.Justice Pradeep Nandrajog**

1. Whether reporters of local papers may be allowed to see the judgment? Y

2. To be referred to the Reporter or not? Y
3. Whether judgment should be reported in Digest? Y

: **PRADEEP NANDRAJOG, J.** (ORAL)

Crl.M.No.11042/07 in Bail App.No.2096/07
Allowed subject to just exception.

Crl.M.No.11045/07 in Bail App.No.2097/07

Allowed subject to just exception.
Bail App.No.2096/07 & 2097/07

1. Notice. Counsel as above accepts notice for the State.
Complainant is present in person in court.
2. Bail Application No.2041/2007 is coming up today as an 'After Notice Misc. Matter'. Since petitioners of all the bail applications seek pre-arrest bail in same FIR, as agreed by learned counsel for the petitioners and the State as also the complainant, all applications are taken up for disposal today itself.
3. FIR has been registered on the basis of the complaint lodged by Ms.Shalini who, on 22.11.2004 got married to Rajesh, petitioner in Bail Application No.2097/2007.
4. A child, Baby Bhavishika, was born to the parties. Unfortunately, Ms.Shalini had to leave her matrimonial house on 10.12.2006 as she alleged extreme mental and physical torture.
5. Petitioners of Bail Application No.2041/2007 are the sister and brother in law of Rajesh. Petitioners of Bail Application No.2096/2007 are the father and mother of Rajesh.
6. It may be noted that the parents of Rajesh reside in

Kanpur. The sister and brother in law of Rajesh reside in Malka Ganj. Rajesh and Shalini had set up their matrimonial house in Malviya Nagar.

7. Rajesh, who is present in court, admits that his wife left the matrimonial house but states that he has no knowledge about her personal clothes and jewellery for the reason, they used to be in an almirah having a storewell under the lock and key of Shalini.

8. Shalini, who is present in court, denies that she has the key of any almirah with her.

9. Parties inform that in the proceedings under Protection of Women against Domestic Violence Act, 2005 an order has been passed directing Rajesh to pay Rs.10,000/- per month to Shalini.

10. Shalini states that Rajesh is tendering cheques to her in the name of Shalini Arya. She states that she does not have a bank account in the name of Shalini Arya. She wants her husband to replace the cheques by writing the name of payee as "Shalini".

11. Rajesh, who is present in person, consents that he would replace all the cheques which he has issued to Shalini pursuant to order passed by the learned Metropolitan Magistrate and future cheques would be issued recording payee as "Shalini".

12. Baby Bhavishika has a congenital defect.

13. Rajesh has consented to bear the entire expenses of medical treatment of Baby Bhavishika.

14. Shalini is suffering from tuberculosis. Rajesh has consented to bear the entire medical treatment of Shalini.

15. It is agreed between the petitioners and Shalini that in the presence of the I.O., Shalini would visit the matrimonial house and the cupboard in which she used to keep her clothes and jewellery would be opened in the presence of the I.O. Since there is a dispute as to where the key is, the lock of the cupboard would be broken open or a duplicate key would be used. Personal belongings and jewellery etc. of Shalini, if any, in the cupboard would be inventorised and possession thereof would be taken over by Shalini.

16. With consent of parties, afore-noted applications are disposed of with the following directions :-

- (a) Rajesh would replace all the cheques which he has issued in the name of Shalini Arya pursuant to orders passed by learned Metropolitan Magistrate in the proceedings under Protection of Women against Domestic Violence Act, 2005 by issuing cheques in the name of "Shalini". This would be done within a week from today.
- (b) Photocopies of the medical treatment of Baby Bhavishika would be handed over to Rajesh. Rajesh would be entitled to consult a reputed cardiologist and future medical treatment of Baby Bhavishika would be

borne by Rajesh.

- (c) Future medical of Shalini pertaining to treatment for tuberculosis by her would be reimbursed by Rajesh on the bills being furnished by Shalini to Rajesh.
- (d) Rajesh would continue to pay to Shalini Rs.10,000/- per month or such other amount as may be directed to be paid by the learned Metropolitan Magistrate in the proceedings under Protection of Women against Domestic Violence Act,2005 by means of a cheque payable in the name of "Shalini".
- (e) Rajesh would facilitate visit by the I.O. in company of Shalini to his house for opening the almiraj in which cloths and jewellery of Shalini are stated to be kept. Shalini would be permitted to take possession of the same after an inventory is prepared.
- (f) All the petitioners would cooperate with the I.O. in the conduct of investigation.

17. On compliance of afore-noted consent directions, in the event of arrest, petitioners would be released on bail by the I.O. on their furnishing a personal bond in the sum of Rs.10,000/- each with one surety each in the like amount to the satisfaction of I.O.

18. It is made clear to Rajesh Arya that any violation of the terms of the consent directions would render liable to be withdrawn the benefit of the present order.

19. Dasti.

September 26, 2007
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PRADEEP NANDRAJOG, J.